IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9249 OF 2005

Smt. Neeta Ratnakar Salunke (Patil) .. Petitioners.
and others.

V/s.

The Nashik Co-op. Credit & Capital
Society Ltd. and others .. Respondents.

Mr. R.M.Haridas for the Petitioners.

Mr.A.H.Palekar, AGP for the Respondents 1 to 5.

CORAM : R.M. SAVANT, J.

DATED : 04th JUNE, 2007.

P.C.:

. This petition, filed under Article 226 of the Constitution of India, impugns a recovery certificate dated 31.8.1999 under section 101 of the Maharashtra Co-operative Societies Act, 1960 and the order dated 4.8.2005 passed by the Divisional Joint Registrar of Co-operative Societies, Nasik in revision application dated 44/ 2000 filed by the petitioners. It is undisputed fact that the petitioner’s husband Ratnakar Eknath Salunkhe had obtained a loan from the respondent No. 1 bank. Said Ratnakar Eknath Salunkhe died some time in the year 2000 after the recovery certificate was granted against him and after he had filed the revision

before the Divisional Joint Registrar. The petitioners who are the heirs of Shri Ratnakar, thereafter pursued the said revision application which has culminated in the impugned order. It is sought to be contended on behalf of the petitioner that said Ratnakar was working with one transport company as an operator and that the said loan was utilised for carrying the business of the said transport company. The learned counsel for the petitioner, therefore, contends that the liability cannot be fastened on the petitioner.

2. The submission advanced on behalf of the petitioner is mis-founded in the teeth of the undisputed position that the said Ratnakar had obtained the loan and failed to repay it. The alleged utilisation of the loan by transport company would, therefore, be of no avail. In that view of the matter, no case for interference under Article 227 of the Constitution of India is made out. The petition is accordingly dismissed.

(R.M.SAVANT,J.)

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